

HOUSE BILL 3830
By Sontany

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 2 and Section 62-37-103(6)(B)(vi), and to enact the "Tennessee Interior Design Consumer Protection Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 2, is amended by deleting part 9 in its entirety and substituting instead Sections 2 through 9 of this act as a new part 9.

SECTION 2.

(a) This part shall be known and may be cited as the "Tennessee Interior Design Consumer Protection Act".

(b) The general assembly finds and declares that:

(1) The purpose of this legislation is to safeguard life, health, and property to promote the public welfare by limiting the practice of interior design to those persons having specific design education, experience and examination defined in this part.

(2) Therefore, this is a matter of public interest, safety, and protection that persons practicing interior design merit the confidence of the public and that only properly qualified persons shall be permitted to practice interior design in the state of Tennessee. This part shall be liberally construed to carry out these purposes.

(3) The purpose of this part is to provide a means by which consumers may distinguish the practice of interior design from that of interior decoration, decorative services, architecture, and engineering.

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Board" means the Tennessee state board of architectural and engineering examiners;

(2) "Diversified and appropriate interior design experience" relates to the skills and tasks as defined by the definition of "interior design" in this section;

(3) "Interior Designer" means a person who is registered under this part to engage in the practice of interior design and, as such, is a registered design professional;

(4) "Interior design" or "interior design services" means designs, consultations, studies, drawings, and specifications that illustrate non-structural and/or non-seismic partition layouts, power and communications locations, reflected ceiling plans and lighting designs, materials and finishes, and furniture layouts, coordination with other registered design professionals, and the administration of interior design construction contracts. Interior design includes, but is not limited to, space planning, design and specification of furnishings and fixtures and documentation necessary for the construction of non-structural elements within and surrounding interior spaces of buildings. "Interior design" or "interior design services" specifically excludes the design of, or the responsibility for the construction of, structural (including seismic requirements), mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems, and fire-rated separations between interior spaces, fire-rated vertical shafts, fire-rated protection of structural elements, smoke evacuation and compartmentalization, and the preparation of a life safety plan as required by state fire marshal or other regulatory authority;

(5) "Life safety plan" means a drawing that summarizes pertinent life-safety information for a project and may be required for review by state fire marshal or other

regulatory authority. The information and form of the life safety plan is determined by state fire marshal or other regulatory authority;

(6) "Non-structural or non-seismic" means interior elements or components that are not load-bearing or do not assist in the seismic design and do not require design computations for a building's structure. It excludes the structural frame supporting a building. Common non-structural elements or components include, but are not limited to, ceiling and partition systems. These elements employ normal and typical bracing conventions and are not part of the structural integrity of the building;

(7) "Partition" means a wall which does not support a vertical load of a structure other than its own weight, but may support loads attached to it such as cabinetry, shelving or grab bars, and does not extend further than from the floor of an interior area of a building designed for human habitation or occupancy to the underside of the deck of that structure;

(8) "Reflected ceiling plan" means a ceiling design that illustrates a ceiling as if it were projected downward and may include lighting and other elements; and

(9) "Responsible charge" is the supervisory responsibility by an interior designer of all work required in the provision of interior design services. Each location designated for the practice of interior design must have in that location an interior designer who bears supervisory responsibility for the interior design services at that location. This interior designer is in responsible charge over non-registered persons working at that location in the practice of interior design.

SECTION 4.

(a) A person registered under this part is authorized to practice interior design in this state as provided herein and shall be considered a registered design professional.

(b) It shall be unlawful for any person to practice or offer to practice interior design or use the title “interior designer” unless such person has been duly registered under the provisions of this part except as hereinafter provided.

(c) A person registered as an interior designer is authorized to practice interior design and provide interior design services within the limitations contained in this part in any building, without imitations by gross area or occupancy classification contained in § 62-2-102(b).

(d) Notwithstanding the provisions of §62-2-102(b), any and all officials of this state or of any city, town, or county charged with the enforcement of laws, ordinances, or regulations relating to the construction or alteration of buildings are hereby authorized to accept and review for purposes of issuing required permits for construction, the drawings, specifications, and other documents prepared by and signed and sealed by interior designers providing interior design services pursuant to this part.

SECTION 5.

(a)

(1) Each applicant for registration shall apply to the board.

(2) Except as otherwise provided in this part, each applicant shall take and pass the examination administered by the national council for interior design qualification (NCIDQ) or an equivalent examination as specified by the board.

(3) The applicant shall provide substantial evidence to the board that the applicant has passed the examination required by this part and has completed the education and experience requirements of this section:

(A) The applicant has graduated with a baccalaureate degree in programs of no less than one hundred twenty (120) semester credit hours or one hundred eighty (180) quarter credit hours, of which sixty (60)

semester credit hours or ninety (90) quarter hours, respectively, are in interior design related courses. The applicant shall have completed a total of three thousand five hundred twenty (3,520) hours of diversified and appropriate interior design experience with no more than one thousand seven hundred sixty (1,760) experience hours earned prior to completion of all interior design related credit hours. Beginning in 2015, diversified and appropriate interior design experience must be completed through the interior design experience program (IDEP), administered by the national council for interior design qualification (NCIDQ) or an equivalent program as specified by the board;

(B) The applicant has graduated with a certificate, degree or diploma in programs of no less than sixty (60) semester credit hours or ninety (90) quarter credit hours in interior design related courses. The applicant shall have completed a total of five thousand two hundred eighty (5,280) hours of diversified and appropriate interior design experience. Experience hours must be earned after all interior design related credit hours have been completed. Beginning in 2015, diversified and appropriate interior design experience must be completed through the interior design experience program (IDEP), administered by the national council for interior design qualification (NCIDQ) or an equivalent program as specified by the board; or

(C) The applicant has graduated with a certificate, degree or diploma in programs of no less than forty (40) semester credit hours or sixty (60) quarter credit hours in interior design related courses. The applicant shall have completed a total of seven thousand forty (7,040)

hours of diversified and appropriate interior design experience.

Experience hours must be earned after all interior design related credit hours have been completed. Beginning in 2015, diversified and appropriate interior design experience must be completed through the interior design experience program (IDEP), administered by the national council for interior design qualification (NCIDQ) or an equivalent program as specified by the board.

(4) All interior design programs must be accredited by the council for interior design accreditation, formerly the foundation for interior design education research, or a program determined by the board to be substantially equivalent to such a program, or an interior design program must be offered by an institution located in this state on April 16, 1991, and the institution is accredited by the southern association of colleges and schools or licensed by the higher education commission.

(b) An applicant for registration as an interior designer shall establish to the satisfaction of the board that the applicant:

- (1) Is at least twenty-one (21) years of age;
- (2) Has not been convicted of an offense that bears directly on the fitness of the applicant to be registered;
- (3) Has passed or supplied proof of passage of the examination required by this part; and
- (4) Meets any other requirements established by the board.

SECTION 6.

(a) Any person registered under former part 9 of this chapter shall be entitled to use the title "interior designer," but shall not have the rights and privileges of registration and the use of the seal of an interior designer as set forth in Sections 4 and 7 of this act.

(b) Any person registered under former part 9 of this chapter and who has not passed the examination administered by the national council for interior design qualification, and who takes and passes such examination and meets other requirements which may be established by the board within three (3) years after the effective date of this part, shall become an interior designer under this part with all the rights and privileges thereof including, but not limited to, Sections 4 and 7 of this act.

(c) Any person registered under former part 9 of this chapter and who has passed the examination administered by the national council for interior design qualification shall become an interior designer under this part with all the rights and privileges thereof including, but not limited to, Sections 4 and 7 of this act.

SECTION 7.

(a) The issuance of a certificate of registration by this board shall be evidence that the person named therein is entitled to all the rights and privileges of an interior designer and to engage in providing interior design services while the certificate remains unrevoked or unexpired.

(b) Each interior designer shall obtain and keep a seal, of the design authorized by the board, bearing the registrant's name, the registrant's registration number, the words "interior designer" and the words "State of Tennessee" or "Tennessee." The registrant shall stamp with the registrant's seal all original sheets of any bound set of plans and the first sheet of any specifications or reports, or portions thereof, prepared by the registrant or under the registrant's responsible charge and being filed for public record with any jurisdiction or local building department for the purpose of obtaining a

permit. No interior designer shall affix the interior designer's seal or stamp to any document which has not been prepared by the interior designer or under the interior designer's responsible charge. Plans, specifications and reports issued by the registrant shall be stamped with the seal during the life of a registrant's certificate, but it is unlawful for anyone to stamp or seal any document with the seal after the certificate of the registrant named thereon has expired or has been revoked.

(c) The board may also adopt such rules and regulations for the affixing to and endorsement of the registrant's seal on interior design documents as may be necessary to implement compliance with this section.

(d) No interior designer shall affix or permit to be affixed, such designer's seal or signature to any drawing, specification, or other document, which depicts work which the registrant is not competent or certified to perform.

(e) Each interior designer shall include, in addition to the registrant's name, at a minimum, the registrant's registration number in any newspaper, telephone directory, or other advertising medium, including but not limited to business cards, business stationery, and promotional materials, and all drawings and specifications and other documents prepared by the registrant or under the registrant's responsible charge.

SECTION 8.

(a) The following persons shall be exempted from the provisions of this part:

(1) Architects or engineers registered under applicable state laws providing that such architects or engineers not refer to themselves as "interior designers" unless registered under this part;

(2) Employees of any retail establishment providing consultation regarding interior decoration or furnishings on the premises of the retail

establishment or in the furtherance of a retail sale or prospective retail sale, provided such persons do not refer to themselves as an interior designer;

(3) Persons who provide decorative services or assistance in selection of surface materials, window treatments, wall coverings, paint, floor coverings, surface-mounted fixtures, or loose furnishings where the use, application, or installation of such materials, treatments, coverings, fixtures, or furnishings is not subject to regulation under applicable building or life-safety codes, provided, such persons do not refer to themselves as an interior designer; and

(4) Any person or entity purchasing products for his, her, or its own use; provided, that the use, application, or installation of such products shall comply with applicable building or life-safety codes.

(b) Any person entitled to an exemption from this part shall remain subject to all other applicable provisions of Tennessee law, including but not limited to §62-2-102;

(c) This part does not prohibit an individual certified or otherwise qualified or approved by a private organization from using a term or title copyrighted or otherwise protected under law by the certifying organization so long as the use does not connote registration as an “interior designer.”

SECTION 9.

(a) A corporation, partnership, or firm may use the title “interior designer” or “interior design” within the name of the corporation, partnership, or firm, provided, that at least one (1) of the principals or officers of such corporation, partnership, or firm is in responsible charge of the provision of interior design services and is registered as a interior designer under the provisions of this part.

(b) Any person, firm, company, business, corporation, or other entity which was organized and doing business prior to April 16, 1991, and whose corporate name

included prior to April 16, 1991 the appellation "interior design" may continue to use such corporate name and shall not be required to register pursuant to this part.

(c) Nothing in this section shall be construed to authorize persons employed by such entities to use the title "interior designer" unless such persons are registered pursuant to this part.

SECTION 10. Tennessee Code Annotated, Section 62-2-101, is amended by deleting the following language:

practice architecture, engineering, and landscape architecture, or
use the title "registered interior designer"

and substituting instead the following language:

practice architecture, engineering, interior design, and landscape
architecture

SECTION 11. Tennessee Code Annotated, Title 62, Chapter 2, Part 1, is amended by deleting §62-2-103 in its entirety and by substituting instead the following:

Section 62-2-103. The following shall be exempted from the provisions of this chapter; provided, that except as provided in subdivision (4), nothing in this section shall be construed as exempting any person who makes public use of the title "engineer," "architect," "interior designer," or "landscape architect" or any appellation thereof, including persons employed by the state of Tennessee or its political subdivisions:

(1) Any person engaging in architectural, engineering, interior design or landscape architectural work as an employee of a registered architect, registered engineer, registered interior designer or registered landscape architect; provided, that such work may not include responsible charge of design or supervision;

(2) Architects, engineers, interior designers or landscape architects who are not residents of and have no established place of business in this state, who

are acting as consulting associates of an architect, engineer, interior designer or landscape architect registered under the provisions of this chapter; provided, that the nonresident is qualified for such professional service in the nonresident's own state or country; and

(3) Architects, engineers, interior designers or landscape architects who are employed by a person, firm or corporation not engaged in the practice of architecture, engineering, interior design or landscape architecture and who render architectural, engineering, interior design or landscape architectural services to their employer only and not to the general public.

(4) Architects, engineers, interior designers or landscape architects who are employed by a municipal electric system or electric and community service cooperative as defined in §65-34-102, or telephone cooperatives as defined in title 65, chapter 29 and who render architectural, engineering, interior design or landscape architectural services pertaining to the operations of their employer and who do not offer their services to the general public in exchange for compensation other than that received from their employer. Nothing in this subdivision shall be construed as exempting any person who makes public use of the title "engineer," "architect," "interior designer," or "landscape architect," or any appellation thereof.

SECTION 12. Tennessee Code Annotated, Section 62-2-104, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) Nothing in this chapter shall prevent the drafters, students, clerks of the work superintendents and other employees of lawfully practicing architects, engineers, interior designers and landscape architects under provisions of this chapter, from acting under the

instruction, control or supervision of the employer, or to prevent the employment of superintendents on the construction, enlargement or alterations of buildings or any appurtenance thereto, or prevent such superintendents from acting under the immediate personal supervision of registered architects, registered engineers, registered interior designers or registered landscape architects by whom the plans and specifications of any such building enlargements, constructions or alterations were prepared.

SECTION 13. Tennessee Code Annotated, Section 62-2-104(b), is amended by deleting the language:

“architect,” “engineer,” or “landscape architect:”

and substituting instead the language:

“architect,” “engineer,” “interior designer,” or “landscape architect:”

SECTION 14. Tennessee Code Annotated, Section 62-2-105(b)(1), is amended by deleting the language:

practice engineering, architecture, or landscape architecture, or
use the title “registered interior designer”

and substituting instead the language:

practice engineering, architecture, interior design, or landscape
architecture

SECTION 15. Tennessee Code Annotated, Section 62-2-105, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c) A person is construed to practice (or offer to practice) engineering, architecture, interior design or landscape architecture who, by verbal claim, sign, advertisement, letterhead, card, or in any other way, represents such person to be an

architect, engineer, interior designer or landscape architect, with or without qualifying adjective, or through the use of some other title implies that the person is an architect, engineer, interior designer or landscape architect.

SECTION 16. Tennessee Code Annotated, Section 62-2-107, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) Neither the state, nor any county, city, town or village, or other political subdivision of the state, shall engage in the construction or maintenance of any public work involving architecture, engineering, interior design or landscape architecture for which the plans, specifications and estimates have not been made by a registered architect, registered engineer, registered interior designer or registered landscape architect.

SECTION 17. Tennessee Code Annotated, Section 62-2-201(a), is amended by adding the following language to the end of subdivision (2):

After the term of the present registered interior designer member, such member's replacement shall be an interior designer registered under the Tennessee interior design consumer protection act. Until such interior designer board member is appointed, the present registered interior designer board member shall remain a member of the board, and references in this chapter to interior designer board member shall be deemed to refer to the registered interior designer board member. In the event the present registered interior designer board member becomes registered as an interior designer, such member shall

continue to serve until the end of such member's term and exercise all powers thereof.

SECTION 18. Tennessee Code Annotated, Section 62-2-202(a), is amended by deleting the last sentence and substituting instead the following language:

The ten (10) year requirement of experience as a registered practitioner shall not apply to the interior designer board member until July 1, 2020.

SECTION 19. Tennessee Code Annotated, Section 62-2-302(a), is amended by adding the following language to the end of subdivision (4):

Until the appointment of an interior designer board member, the present registered interior designer board member shall determine such qualifications.

SECTION 20. Tennessee Code Annotated, Section 62-2-302(b), is amended by adding the following language to the end of subdivision (3):

Until the appointment of an interior designer board member, the present registered interior designer board member shall examine the applicants.

SECTION 21. Tennessee Code Annotated, Section 62-37-103(6)(B)(vi), is amended by deleting the subdivision in its entirety and substituting instead the following language:

(vi) Any work which is within the scope of practice of interior design or is performed by a person qualified to use the title "interior designer" pursuant to chapter 2 of this title.

SECTION 22. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2007, the public welfare requiring it.

